

PUBLIC UTILITIES COMMISSION

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March 27, 2001

FCC MAIL ROOM

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20544

Cheryl Parrino
Chief Executive Officer
Universal Service Administrative Corp.

Re: Federal-State Joint Board on Universal Service, CC Docket No. 96-45

Dear Ms. Salas and Ms. Parrino:

Pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act"), and 47 C.F.R. Sections 54.201 – 54.203, the California Public Utilities Commission ("Commission") has designated Western Wireless Corporation ("Western Wireless") as an Eligible Telecommunications Carrier.

The Federal Communications Commission ("FCC") has adopted a rule providing that an ETC may receive certain types of federal universal service funding only if the state commission files a certification that all federal high-cost support provided to the carrier will be used as required in Section 254(e). 47 C.F.R. § 54.313. *Federal-State Joint Board on Universal Service*, Ninth Report and Order and Eighteenth Order on Reconsideration, 14 FCC Rcd 20432, ¶ 97 (1999).

Western Wireless was designated an ETC in California in certain non-rural telephone company exchanges by Resolution T- 16436, dated July 21, 2000. [A copy of the Resolution is enclosed.]

In light of Western Wireless' ETC designation, please note that the Company is eligible to receive federal universal service funding, and that this letter fulfills this state's requirement to provide such certification under 47 C.F.R. § 54.313.

If additional information is required, please do not hesitate to call Hassan Mirza at 415-703-1638.

Sincerely,

Jack Leutza

Jack Leutza, Director
Telecommunications Division

Cc: Suzie Rao, Regulatory Counsel
External Affairs, Western Wireless Corp.

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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Telecommunications Division
Public Programs Branch**

**RESOLUTION T-16436
July 20, 2000**

RESOLUTION

RESOLUTION T-16436. WWC LICENSE LLC (WESTERN WIRELESS). TO DESIGNATE WESTERN WIRELESS AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC) PURSUANT TO THE FEDERAL COMMUNICATIONS COMMISSION'S REPORT AND ORDER (FCC 97-157) IN THE MATTER OF FEDERAL-STATE JOINT BOARD ON UNIVERSAL SERVICE (CC DOCKET NO. 96-45).

SUMMARY

This Resolution grants ETC status to Western Wireless as of the effective date of this resolution. Western Wireless has satisfied the requirements for ETC designation as set forth in Resolution T-16086, and the ETC eligibility and service requirements under the FCC rules. Western Wireless is obligated to provide all the designated services for federal universal service support in the areas for which it is designated an ETC.

BACKGROUND

Pursuant to the Federal Communications Commission's (FCC) Report and Order (R&O) on Universal Service (FCC 97-157), only eligible telecommunications carriers (ETCs) designated by state commissions will be eligible to receive federal high cost, low income, and most rural health care universal service support beginning January 1, 1998.¹ In Resolution T-16086, the Commission adopted procedures and guidelines for designating ETCs in accordance with the FCC rules. The Commission directed all incumbent local exchange carriers, facilities-based competitive local carriers, and facilities-based broadband commercial mobile radio service (CMRS) carriers seeking ETC status to submit to the Telecommunications Division the following: (1) self-certification letters indicating their compliance with the ETC eligibility requirements, (2) advice letters to implement any necessary tariff changes consistent with the ETC service requirements, and (3) requests for additional time to complete network upgrades needed to provide single-party, E-911, or toll limitation services.²

Carriers were instructed to include the following in their self-certification letters: (1) the service areas for which the carrier is requesting ETC designation, (2) an itemized list of the designated

¹ 47 C.F.R. § 54.201 (a)(1).

² Resolution T-16086, Ordering Paragraphs (O. P.) 1 and 2.

services to be provided, (3) a list of any services which the carrier proposes not to provide and for which the carrier is requesting an extension of time, (4) an indication of whether the carrier plans to apply for a waiver of the requirement that an ETC not disconnect Lifeline service for non-payment of toll charges, (5) a description of the carrier's advertising plan, indicating the advertising media to be used, and an explanation of how its plan meets the advertising requirement in section 214(e) of the Telecommunications Act.³ The requirement to file advice letters implementing necessary tariff changes does not apply to commercial mobile radio service (CMRS) carriers to the extent that they are not required to maintain tariffs with the Commission. A CMRS carrier seeking ETC designation, however, needs to indicate in its self-certification letter how federal Lifeline and Link Up rate reductions will be passed through to qualifying low-income customers.

Resolution T-16086 also required carriers requesting additional time to undertake network upgrades necessary to provide single-party service, access to E911, and/or toll limitation services, to provide (1) a justification for the extension request, (2) an indication of the length of time for which the extension is being sought, (3) an implementation plan for the network upgrades necessary to provide any of the above services, and (4) an estimate of the cost of undertaking the network upgrades. Furthermore, carriers seeking a waiver of the prohibition to disconnect Lifeline service for non-payment of toll charges were directed to apply for such a waiver to the Commission. The waiver application must demonstrate that (a) the carrier would incur substantial costs in complying with this requirement, (b) the carrier offers toll limitation to qualifying low-income customers without charge, and (c) the telephone subscribership among low-income customers in its area is greater than or equal to the national subscribership rate for low-income consumers.⁴

NOTICE/PROTESTS

Notice of Filing of the letter request by Western Wireless to be designated as an Eligible Telecommunications Carrier (ETC) for purposes of federal universal service support was published in the Commission Daily Calendar of May 25, 2000. No protest to this letter request has been received.

DISCUSSION

WWC License LLC (Western Wireless), an FCC licensed, CPUC certificated provider of commercial mobile radio services (CMRS), submitted a request for ETC designation to the Telecommunications Division on May 17, 2000. Telecommunications Division Staff reviewed the request considering Western Wireless' compliance with the Commission's guidelines in Resolution T-16086, and the FCC's eligibility and service requirements for ETCs.

³ Id., O. P. 3.

⁴ Id., O. P. 4 and 5.

A. Compliance with ETC Eligibility and Service Requirements

In Resolution T-16086, the Commission indicated that it will designate the Geographic Study Area (GSA), i.e., census block groups (CBGs), as the service area for purposes of the federal universal service obligations and support mechanisms for areas served by non-rural LECs, consistent with 47 C.F.R. § 54.207. Western Wireless requested ETC status in substantial parts of Inyo and Mono Counties and including the CBGs listed on Attachment A attached to its self-certification letter, that are not currently served by rural carriers.

Since CMRS carriers are not required to maintain service tariffs with the Commission, Western Wireless did not file any advice letter with the necessary tariff changes. Instead, in compliance with the directive in Resolution T-16086, Western Wireless indicated in its self-certification letter its intent to provide all of the designated services. These services include the following:

- 1) Voice-grade access to the public switched network – Through its interconnection with local telephone companies, Western Wireless enables all customers to make and receive calls on the public switched network within the prescribed frequency range.
- 2) Local Usage – Although none currently exist, it will comply with any and all minimum local usage requirements adopted by the FCC. In the meantime, it intends to include unlimited local usage as part of a universal service offering, and may also include an offering with a stated call allowance. For example, Western Wireless intends to offer unlimited local usage as part of their Lifeline offering.
- 3) Dual tone multi-frequency (DMTF) signaling or its functional equivalent – Western Wireless currently uses out-of-band digital signalling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to DTMF signalling.
- 4) Single-party service or its functional equivalent – Western Wireless provides a dedicated message path for the length of all customer calls.
- 5) Access to emergency services – Western Wireless currently provides all its customers with access to emergency services by dialing 911. Western Wireless has engaged the services of a firm in preparing the databases needed to comply with Phases I and II E911 requirements of 47 C.F.R. §20.18 and is ready to provide a public safety answering point (PSAP) with the ability to receive ANI and ALI from Western Wireless. The Company will work with PSAPs within its designated service areas to make E911 service available to its customers.
- 6) Access to operator service - Western Wireless currently provides a dedicated message path for the length of all customer calls.

- 7) Access to interexchange service – Western Wireless provides all its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with several interexchange carriers (IXCs).
- 8) Access to directory assistance – Western Wireless provides all its customers with access to directory assistance by dialing 411 or 555-1212;
- 9) Toll limitation – At present, Western Wireless provides toll-blocking services for international calls and customer related toll calls. Since Western Wireless is not an ETC at this time, it has no Lifeline customers. However, once it is designated as an ETC, it will participate in Lifeline, Link Up, and Tel-Assistance as required, and will provide those customers with toll blocking at no charge, as part of its universal service offerings; and
- 10) Lifeline Services – Charges for the Western Wireless Lifeline offering will be reduced for qualified subscribers by the support received under 47 C. F. R. § 54.403.

Western Wireless did not request for extension of time to provide any of the above services and did not request for a waiver of the prohibition to disconnect Lifeline service for non-payment of toll charges. Western Wireless also confirms that it will advertise the availability of the supported services and the corresponding charges in a manner that fully informs the general public within the designated service areas of the services and charges.

Based on the application submitted to the Telecommunications Division, Western Wireless has complied with the guidelines set in Resolution T-16086 and signified compliance with the FCC's service requirements for ETCs. Western Wireless is hereby designated as ETC in the CBGs for which it has requested ETC status as of the effective date of this resolution. Consistent with Resolution T-16105, Western Wireless should advertise the designated services in all of the following: annual bill inserts, public tariffs, and white page directories. In addition, Western Wireless shall advertise the same services in one or more of the following media: newspapers of general distribution, radio, or television. Western Wireless may use other means available that are not in the above list to the extent it believes they satisfy the FCC advertising requirement.

B. Universal Service Administrative Company Certification Requirements

According to the FCC rules, a state commission shall file or require an ETC to file information with the federal universal service administrator demonstrating that the carrier's Lifeline service meets the FCC requirements. Lifeline assistance shall be made available once the administrator certifies that the carrier's Lifeline plan meets the criteria.⁵

⁵ 47 C. F. R. § 54.401 (d).

As a designated ETC, Western Wireless should file information with the federal universal service administrator, the Universal Service Administrative Company (USAC), pursuant to 47 C. F. R. § 54.401 (d), demonstrating that its Lifeline service meets the FCC requirements, and stating the number of qualifying low-income customers and the amount of state assistance. Western Wireless shall provide the USAC an estimated amount of state assistance (if any) based on current ULTS rates, net of the expected amount of federal support. A Copy of Western Wireless' filing with the USAC shall be provided to the Director of the Telecommunications Division.

C. Reimbursements from the ULTS Fund

As a designated ETC, Western Wireless is eligible to obtain federal Lifeline and Link Up support. Resolutions T-16086 and 16128 require that ULTS payments from California be reduced by amounts received under the federal ETC program. However, Western Wireless does not seek state ULTS support at this time, as this is not allowed by Decision 98-10-066.⁶

COMMENTS

A Notice of Availability of the draft resolution and conformed resolution, when adopted by the Commission was mailed on June 20, 2000 to all Local Exchange Carriers, all facilities-based Competitive Local Carriers, and all facilities-based broadband Commercial Mobile Radio Service carriers. In addition, the Telecommunications Division informed these carriers of the availability of the draft resolution and conformed resolution on the Commission website, www.cpuc.ca.gov. Hard copies of the draft resolution were mailed to the parties to the universal service proceeding (OII/R 95-01-020/021).

FINDINGS

1. Resolution T-16086 established a procedure for California telecommunications carriers to request designation as eligible telecommunications carriers.
2. WWC License LLC (Western Wireless), Inc. is a commercial mobile radio service (CMRS) carrier.
3. Western Wireless submitted a request for Eligible Telecommunications Carrier designation on May 17, 2000.
4. The notice of filing of the request was published in the Commission Daily Calendar of May 25, 2000.
5. No protests were received on the Western Wireless request for ETC designation.

⁶ D 96-10-066, pp. 225-228.

6. Western Wireless requested Eligible Telecommunications Carrier designation in substantial parts of Inyo and Mono Counties and includes the census block groups (CBGs) listed in Attachment A of this resolution.
7. Western Wireless currently provides eight of the nine specific supported services that are required for a carrier to be designated as an ETC. Although local usage is currently non-existent, Western Wireless indicates that it will comply with any and all minimum local usage requirements adopted by the FCC. In the meantime, it intends to offer unlimited local usage as part of a universal service offering, and may also include an offering with a stated call allowance.
8. Western Wireless did not request extension of time to provide any of the designated services and did not seek a waiver of the prohibition to disconnect Lifeline service for non-payment of toll charges.
9. Western Wireless indicated that it will advertise the availability of the supported services and the corresponding charges in a manner that fully informs the general public within the designated service areas of the services and charges.
10. The Commission is committed to utilize the Internet for distributing Commission orders and information.

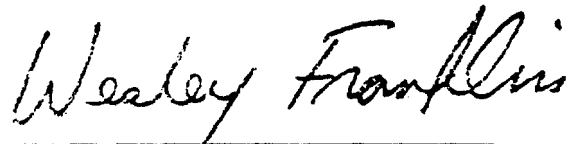
THEREFORE, IT IS ORDERED that:

1. WWC License LLC (Western Wireless) is designated an eligible telecommunications carrier (ETC) in the geographic service area listed in Attachment A of this resolution as of the effective date of this resolution.
2. Western Wireless shall make local usage available to its customers effective on the day it is designated an Eligible Telecommunications Carrier and shall participate in Lifeline, Link Up and Tel- Assistance, as required.
3. As a designated ETC, Western Wireless will advertise its services in the following: annual bill inserts, public tariffs, and white page directories. In addition, Western Wireless shall advertise these services in one or more of the following media: newspapers of general distribution, radio, or television.
4. Western Wireless shall submit information to the federal universal service administrator, the Universal Service Administrative Company (USAC), pursuant to 47 C. F. R. § 54.401 (d), demonstrating that its Lifeline service meets the FCC requirements, and stating the number of qualifying low-income customers and the amount of state assistance, if any. Western Wireless shall provide the USAC an estimated amount of state assistance (if any) based on current ULTS rates, net of the expected amount of federal support. A Copy of Western Wireless' filing with the USAC shall be provided to the Director of the Telecommunications Division.

5. Western Wireless shall abide by the changes adopted in Resolution T-16128 when filing claims from the ULTS Fund.
6. The Executive Director shall serve a copy of this Resolution on all parties to the universal service proceeding (OII/R 95-01-020-021).

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on July 20, 2000. The following Commissioners approved it:



WESLEY M. FRANKLIN
Executive Director

LORETTA M. LYNCH
President
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
CARL W. WOOD
Commissioners